

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 956

Introduced by Assembly Member Skinner

February 26, 2009

An act to add Section 14106 to the Government Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 956, as amended, Skinner. State Air Resources Board: pavement coatings.

Existing law designates the State Air Resources Board as the state agency responsible for the preparation of the state implementation plan required by the federal Clean Air Act, and requires the state board to coordinate the activities of local air districts to comply with the act.

~~This bill would state the intent of the Legislature to enact legislation to require the State Air Resources Board to adopt regulations on pavement coatings in order to reduce smog production as a result of artificially increased temperatures.~~

Under existing law, the Department of Transportation has jurisdiction over state highway construction, and may establish and enforce standards for construction materials.

Under existing law, the State Procurement Officer, when purchasing materials to be used by the Department of Transportation and other state agencies for paving materials, is required to use recycled materials unless it is determined that they are not cost effective.

This bill would require the Department of Transportation, no later than January 1, 2011, to establish standards for the solar reflectance of paved surfaces consistent with the specified criteria. The bill would

provide that, on and after January 1, 2012, the department, any other state or local agency, and every other person, when paving or repaving any surface, shall comply with the requirements established by the department, and would provide that, if a building permit from a local agency is required for the paving of any surface that is subject to this requirement, that permit shall not be issued unless the paving will be constructed in compliance with this requirement. The bill would provide exception of specified surfaces, including surfaces that do not have any substantial exposure to the sun.

By imposing construction requirements on local agencies, and imposing requirements for building permits, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement shall be made pursuant to these statutory provisions for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

*Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.*

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 14106 is added to the Government Code,*
- 2 *to read:*
- 3 *14106. (a) No later than January 1, 2011, the department shall*
- 4 *establish standards for the solar reflectance of paved surfaces*
- 5 *consistent with the following criteria:*
- 6 *(1) All paved surfaces shall have an aged albedo of not less*
- 7 *than 0.25.*
- 8 *(2) All asphalt surfaces shall meet the following requirements:*
- 9 *(A) Asphalt paved highways shall have an initial albedo of not*
- 10 *less than 0.22.*
- 11 *(B) Low-wear asphalt paved surfaces shall have an initial*
- 12 *albedo of not less than 0.25.*
- 13 *(3) All concrete paved surfaces shall comply with the following:*

1 (A) Concrete paved highways shall have a initial albedo of not
2 less than 0.30.

3 (B) Low-wear concrete paved surfaces shall have an initial
4 albedo of not less than 0.27.

5 (C) The department may permit the use of a default solar
6 reflectance value of 0.30 for new concrete without added color
7 pigment instead of measurement.

8 (4) The requirements of this section shall not apply to any paved
9 surface that does not have any substantial exposure to the sun,
10 including, but not limited to, pavement located in tunnels, covered
11 parking facilities, and areas shaded by plants, structures,
12 geographical features, or a combination.

13 (5) The department may exempt a surface, such as green
14 pavement, from the requirements of this section if it provides
15 equivalent environmental benefits.

16 (6) A paved surface that complied with the requirements for
17 initial albedo shall be deemed to comply with this section.

18 (b) On and after January 1, 2012, the department, any other
19 state or local agency, and every other person shall, when paving
20 or repaving any surface, comply with the requirements established
21 by the department pursuant to this section.

22 (c) On and after January 1, 2012, if a building permit from a
23 local agency is required for the paving of any surface that is subject
24 to this section, that permit shall not be issued unless the paving
25 will be constructed in compliance with this section.

26 (d) Solar reflectance shall be measured in accordance with
27 ASTM E1918 or ASTM C1549.

28 (e) The department may adopt regulations to implement this
29 section.

30 (f) As used in this section:

31 (1) "Aged albedo" means the albedo of the surface after it has
32 been in use for one year.

33 (2) "Initial albedo" means the albedo of the surface at the time
34 it is first suitable for use.

35 (3) "Low-wear paved surfaces" means paved surfaces other
36 than those on a highway, including those on parking lots,
37 playgrounds, sidewalks, bike trails, and driveways.

38 SEC. 2. No reimbursement shall be made pursuant to Part 7
39 (commencing with Section 17500) of Division 4 of Title 2 of the
40 Government Code for costs mandated by the state pursuant to this

1 *act. It is recognized, however, that a local agency or school district*
2 *may pursue any remedies to obtain reimbursement available to it*
3 *under Part 7 (commencing with Section 17500) and any other*
4 *provisions of law.*

5 ~~SECTION 1. It is the intent of the Legislature to enact~~
6 ~~legislation to require the State Air Resources Board to adopt~~
7 ~~regulations on pavement coatings in order to reduce smog~~
8 ~~production as a result of artificially increased temperatures.~~